



APHIS' Animal Care Report

United States Department of Agriculture • Animal and Plant Health Inspection Service

Our inspectors are truly the unsung heroes of our organization. In addition to their routine heavy workload, they often go beyond the call of duty to ensure that animals covered under the law receive proper care, even if this means putting themselves in harm's way. With this in mind, we annually honor one employee with the distinction of Inspector of the Year.

This edition of the Animal Care (AC) Report profiles the Inspector of the Year for 1998 along with the two other nominees for the award. It also details our notice on a petition to include rats, mice, and birds in the Animal Welfare Act (AWA) regulations and discusses our other managerial, regulatory, and policy initiatives.

As always, this report aims to promote two-way communication between our program within the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) and representatives of industry and interest groups like you. We want to know if you find the report helpful, and we welcome your comments. Call (301) 734-5175 to share your ideas.

W. Ron DeHaven
Deputy Administrator

AC Honors 1998 Inspector of the Year

AC recently honored Dr. Cathy Hovansack as its Inspector of the Year for 1998. Hovansack is the second inspector to receive this annual award. Robert Markman, AC's inspector in eastern Pennsylvania, received the first award last March.

The Inspector of the Year Award recognizes one field employee who performs his or her duties in a manner that best ensures animal welfare while promoting compliance through cooperative and educational efforts with AC's stakeholders. Cathy Hovansack certainly epitomizes these characteristics.

In 1998, Hovansack conducted more than 300 AWA inspections in her large territory in Minnesota. The quality of her work is reflected in the compliance rate for her facilities, which was well above the national average. In addition, Hovansack voluntarily participated in several extra projects, including serving as editor for the new manual being developed for AC inspectors. Throughout all of these activities, Hovansack operated in a professional manner respected by both her colleagues and AC's stakeholders.

AC also recognizes the other two nominees for the award: Dr. Edward Slauter and Dr. Kathleen Garland, field veterinary medical officers in Missouri and California, respectively. Like Hovansack, Slauter and Garland demonstrated excellence in their inspection duties and a willingness to go the extra mile to make AC an exemplary government program.

Petition on Rats, Mice, and Birds Published

On January 28, AC published in the Federal Register its long-awaited notice announcing USDA's receipt of a petition to regulate rats, mice, and birds under the AWA. The petition was submitted by the Alternative Research and Development Foundation, a group affiliated with the American Antivivisection Society. Adopting the provisions of the petition would significantly increase AC's regulatory responsibilities and affect oversight of other program activities (e.g., inspections of dog dealers and animal exhibitors). Accordingly, AC is seeking public input on whether rats, mice, and birds should be regulated and, if so, how the increased workload should be prioritized.

The comment period on the notice closes on May 28. The notice is available on APHIS' Website (<http://comments.aphis.usda.gov>). At the site, you can both submit comments and review those made by other individuals.

On February 2, the Scientists Center for Animal Welfare and the Institute for Laboratory Animal Research hosted a forum in Washington, DC, to discuss the petition and its potential impact on AC's activities. USDA officials attended the forum to learn the various perspectives on this issue. USDA also accepted written testimony from the forum as official comments on the petition.

Despite the above actions, the petitioners filed suit on March 9 in Federal court in Washington, DC, not waiting for USDA's decision on the petition.

Horse Protection Act (HPA) 1999 Operating Plan Issued

On February 12, AC issued the HPA operating plan for the 1999 show season. The plan details how USDA will administer the HPA this calendar year. Among other things, it includes provisions for conducting inspections and issuing penalties. The plan is available on AC's Website.

In developing the plan, AC met with all of the certified horse industry organizations on December 15, 1998, to obtain their input on the plan's contents.

AC also made a draft version of the plan available for public comment in late January. The final plan reflects the feedback received through these efforts.

Marine Mammal Rule Using “Consensus Language” Published

On February 22, AC published a proposed rule to amend the AWA regulations for the humane handling, care, treatment, and transportation of marine mammals. The proposal reflects new standards in marine mammal care based on current industry and scientific knowledge.

To develop the proposed requirements, AC called together marine mammals experts, industry specialists, and animal welfare organizations to

create a negotiated rulemaking advisory committee. This committee held several sessions in 1995 and 1996. Ultimately, they agreed by consensus to several new standards. The proposed rule reflects these standards. The comment period on the rule closes on April 26.

USDA Shuts Down Oregon Pet Theft Ring

In mid-February, USDA and the U.S. Attorney's Office in Oregon successfully prosecuted nine people in both Federal District Court and Oregon State Circuit Court for their roles in running a pet theft ring. The case stemmed from a 3-year investigation into a theft ring operated by a licensed animal dealer, her husband, and their son. The ring also included six other accomplices.

In the case, the operators of the theft ring were each indicted on one count of conspiracy to defraud the Federal Government by falsifying USDA-mandated records and seven counts of mail fraud. All received fines, probation, home detention, or jail time. They also were permanently disqualified from ever becoming licensed under the AWA.

The accomplices will be sentenced in Oregon State Circuit Court on April 12. For more information, see the press release on the APHIS Website (<http://www.aphis.usda.gov>).

AC Clarifies When Farm Animals Are Covered Under the AWA

AC has issued a new policy that clarifies when farm animals are covered under the AWA. The policy notes that farm animals used for traditional production agriculture (e.g., food and fiber or improvement of animal breeding) are not protected under the law. Likewise, farm animals used to manufacture and test biological products, such as vaccines, for use in only agricultural animals are exempt from coverage.

However, farm animals used to test and produce biologicals for nonagricultural animals (e.g., dogs and cats) are covered under the regulations. This category includes farm animals used to test biologicals that will eventually be used on both agricultural animals and nonagricultural animals. An example of such a biological product is a rabies vaccine whose label recommends its use for multiple species.

In addition, farm animals used to test or manufacture biological products that will ultimately be used by humans are covered by the AWA. USDA considers this to be biomedical research.

USDA–APHIS–Animal Care

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AC Assists Disney in Assessment of Animal Kingdom

At the request of Disney's Animal Kingdom, AC facilitated a review of the facility's entire animal care program in the fall of 1998. The review was conducted by an external panel of experts from across the country. Each panel member spent at least 2 days onsite at the facility evaluating the animal care program and making recommendations for improvement. In general, the panel members all agreed that Disney's animal care program is very well run and that the staff at Animal Kingdom share a strong commitment to excellence.

AC Launches New Website

In late February, AC launched its new and improved Website. The new site contains the same information as the old one but organizes the information in a more user-friendly manner for both the general public and program stakeholders. Of particular interest, AC has added a "News and Information" page. This page provides access to current issues affecting the program as well as AC press releases and APHIS' E-FOIA search engine. AC has also developed separate pages for the HPA and AWA information to target particular users' interests and has added a page that details the mission and structure of the organization. The site kept the same address (<http://www.aphis.usda.gov/ac>), so you need not change your bookmarks.

New AWA Data Base on the Horizon

AC is currently testing its new Licensing and Registration Information System (LARIS) data base. When completed, LARIS will provide a single storage center for licensing and inspection data on regulated parties throughout the United States and will eventually enable inspectors to enter data from remote locations using laptop computers.

To support this effort, the data base will utilize Windows™-based screens that guide users in their efforts to enter and retrieve information. The data base will also automate all of AC's forms. The result will be an efficient, easy-to-use system that should significantly reduce the resources needed to maintain records on regulated parties.

AC Prepares for Year 2000 (Y2K) Bug

AC has taken several steps to prepare the program for Y2K. The new LARIS data base mentioned above is one of these measures. AC is also replacing all of its laptop and desktop computers that are not Y2K compliant. Both the data base and the computers should be fully operational by August 1999, well in advance of 1/1/00.

AC has also surveyed all of its equipment and identified those items that are critical to carrying out the program's mission, such as automobiles. AC has been assured by the manufacturers of the mission-critical equipment that the products will handle date functions accurately in January 2000.

However, just in case, AC has developed a contingency plan. This plan contains measures such as providing inspectors with hard copies of inspection reports in case the computers crash and having extra postage stamps onhand in case the postage meter system fails.

Over the next several months, AC will be consulting many of its stakeholders to determine their Y2K compliance. Don't be surprised if you're contacted.

Training on Dealer Inspections and Elephant Care Scheduled

AC is holding two training sessions for its inspectors this April. The first, which will take place in Fort Worth, TX, focuses on inspecting dog dealer facilities. The second, which will take place in Tampa and Orlando, FL, focuses on proper elephant care and handling. Both sessions share the common goal of promoting animal well-being and ensuring uniform inspection procedures throughout the United States so that all licensees are held to the same standards of care for their animals.

Highlights From the Field

Following the recent death of a licensee in South Texas, his wife asked AC to help in feeding and handling the facility's 15 large, exotic cats and in finding new homes for the animals. In response, AC's Dr. Elizabeth Pannill and Charlie Currer worked for 3 months to find new homes for the animals and ensure that they received proper care in the interim. Pannill and Currer even assisted in tranquilizing of the animals for transport to their new homes. The animals were safely relocated to three exotic animal rehabilitation facilities in Texas.

"Doris Day" Advance Notice Moves Forward

AC officials have reviewed the more than 11,000 comments that were submitted on our advance notice of proposed rulemaking concerning the regulation of dog and cat dealers, including the more than 1,000 comments that were submitted electronically. The officials are now determining the best way to proceed based on this input. To review the comments that were submitted electronically, visit APHIS' Website (<http://comments.aphis.usda.gov>).

Training and Handling Policy Under Development

AC officials have reviewed the more than 400 comments that were submitted on the program's request for information concerning current "best" practices for the training and handling of potentially dangerous wild and exotic animals. Based on this input, the officials are currently developing a draft policy on this issue. When completed, a notice of the draft policy will be published in the Federal Register to allow for public comment prior to the policy's issuance in final form.

AC Still Working on Primate Enrichment Policy

AC has completed its draft policy on environmental enrichment for nonhuman primates. The policy, which will serve as a resource for inspectors and regulated parties, will complement the National Research Council's publication on this same issue. The goal is to use both documents to best attain enrichment for primates as mandated by the 1985 amendment to the AWA. The draft policy will be published in the Federal Register, in the next few months, allowing for public comment and modification prior to the policy's issuance in final form.

Policy Update

The items listed below are either new policies under development or policies currently being revised.

New Policies Under Development

- Medical records
- Prairie dogs
- Training/Handling of dangerous animals
- Licensing of rehabilitation facilities and education exhibitors
- Regulation of farm animals (adopting industry standards)
- Regulation of transportation of nonhuman primates

Policies Being Revised

- Policy #17: Annual Report for Research Facilities

Regulatory Update

The items listed below are either under consideration and not yet published in the Federal Register, published in the Federal Register and open for comment, or previously open for comment and now under review by the Department.

Notices

- Petition for the Regulation of Rats, Mice, and Birds (open for comment)
- Handling and Training of Potentially Dangerous Wild and Exotic Animals Used for Exhibition (under review)
- Guidelines for Farm Animals (under consideration)
- Swim-With-the-Dolphins: Request for Information (under consideration)
- Nonhuman Primate Environmental Enrichment Policy (under consideration)
- Information Collection: Guinea Pigs, Rabbits, Hamsters (under Consideration)
- Information Collection: Horse Protection Program (under consideration)

Advance Notices of Proposed Rulemaking

- Licensing Requirements for Dogs and Cats: Response to Doris Day
- Animal League Petition (under review)

Affirmation of Interim Rules

- Resting Surfaces for Dogs and Cats (under consideration)

Proposed Rules

- Standards for Marine Mammals: Consensus Language (open for comment)
- Revisions to AWA Licensing Requirements (under consideration)
- Identification of Unweaned Puppies and Kittens (under consideration)
- Exotic Canids and Felids: Minimum Age for Transport (under consideration)
- Veterinary Medical Records (under consideration)
- Confiscation of Animals (under consideration)
- Horse Protection Under the AWA (under consideration)

Final Rules

- Perimeter Fencing (under consideration)
- Nomenclature Changes (under consideration)

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